

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

ACUMEN ENTERTAINMENT GROUP,  
INC.,

Plaintiff(s),

vs.

ROBERT E. MCLAUCHLAN, individually;  
DOES I through V and ROE ENTITIES I  
though V, inclusive,

Defendant(s).

ROBERT MCLAUCHLAN, Derivatively on  
on behalf of Nominal Defendants Acumen  
Entertainment Group, Inc. and MovieGoods, Inc.

Third Party Plaintiff,

vs

ROBERT L. DEAKIN and TERRY KRAEMER,  
individually, d.b.a Pop Culture Graphics, and as  
Directors of Acumen Entertainment Group, Inc.,  
DOES I through X, individuals, and ROE  
ENTITIES I through X,

Third Party Defendants.

and

ACUMEN ENTERTAINMENT GROUP, INC.,  
a Nevada corporation and MOVIEGOODS, INC.,  
a Nevada Corporation,

Nominal Defendants.

Case No. 10-CV-1423-RLH-PAL

**TEMPORARY RESTRAINING  
ORDER**

(Motion for Restraining Order—#11)

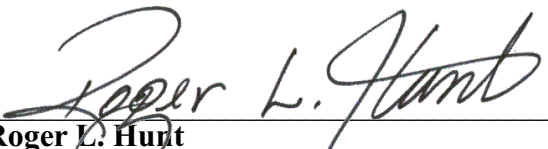
1 KEYBANK NATIONAL ASSOCIATION, )  
 2 Plaintiff In Intervention, )  
 3 vs )  
 4 ROBERT E. MCLAUCHLAN, an individual; )  
 5 POP CULTURE GRAPHICS, INC., a Nevada )  
 6 corporation; DOES I through V; ROE ENTITIES )  
 I through V, inclusive, )  
 7 Defendant/Third Party Plaintiff, )  
 \_\_\_\_\_ )

8 Before the Court is Defendant Robert McLauchlan's Ex Parte Motion for Restraining  
 9 Order to Enforce Pending Restraining Order Pending Hearing by this Court (#11, filed September 2,  
 10 2010). The motion asks this Court to enforce a Restraining Order issued by the Honorable Kathleen  
 11 Delaney of the State Court. Since the issuance of Judge Delaney's Order, this matter has been  
 12 removed to this Court. Having read Defendant's Ex Parte Motion and Judge Delaney's Temporary  
 13 Restraining Order (a copy of which is attached to this Order, and for good cause shown,

14 IT IS HEREBY ORDERED that this Court adopts and reissues Judge Delaney's  
 15 Temporary Restraining Order and will enforce the Order as though issued by this Court.

16 IT IS FURTHER ORDERED that a hearing on Defendant's Motion for Preliminary  
 17 Injunction is set for September 9, 2010, at the hour of 2:00 p.m., in Courtroom 6C, Lloyd D. George  
 18 U.S. Courthouse.

19 Dated: September 2, 2010.

20   
 21 **Roger L. Hunt**  
 22 **Chief United States District Judge**  
 23  
 24  
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 26

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 2 LAW OFFICES OF SAMUEL KORNHAUSER  
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8 Attorneys for Defendant/Third Party Plaintiff Robert McLauchlan

FILE WITH  
MASTER CALENDAR

FILE WITH  
MASTER CALENDAR

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 ACUMEN ENTERTAINMENT GROUP,  
INC., a Nevada corporation,

16 Plaintiff,

17 vs.

18 ROBERT E. MCLAUCHLAN, individually;  
DOES 1 through V and ROE ENTITIES I  
through V, inclusive,

19 Defendants.

20 ROBERT MCLAUCHLAN, Derivatively on  
behalf of Nominal Defendants Acumen  
21 Entertainment Group, Inc. and MovieGoods,  
Inc.,

22 Third Party Plaintiff,

23 vs.

24 ROBERT L. DEAKIN and TERRY  
KRAEMER, individually, d.b.a Pop Culture  
25 Graphics, and as Directors of Acumen  
Entertainment Group, Inc., DOES I through  
26 X, individuals, and ROE ENTITIES I  
through X,

27 Third Party Defendants,

28 - and -

CASE NO.: A-09-590972-B  
DEPT. NO.: XXV

TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION SETTING

THE HONORABLE KATHLEEN  
DELANEY

DEPARTMENT XXV  
NOTICE OF HEARING  
DATE 6/15/10 TIME 9:00am  
APPROVED BY Juc

A-09-590972-B  
TRO  
Temporary Restraining Order  
822414



Temporary Restraining Order-590972

RECEIVED

JUN 11 2010

CLERK OF THE COURT

LAW OFFICES  
SAMUEL KORNHAUSER  
155 Jackson Street, Suite 1807  
San Francisco, CA 94111

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1 ACUMEN ENTERTAINMENT GROUP,  
 2 INC., a Nevada corporation, and  
 3 MOVIEGOODS, INC., a Nevada  
 Corporation,

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 Nominal Defendants.

### ORDER GRANTING TEMPORARY RESTRAINING ORDER

This emergency ex parte motion for temporary restraining order having come before the Court seeks a TEMPORARY RESTRAINING ORDER ENJOINING ROBERT DEAKIN, TERRY KRAEMER, ACUMEN ENTERTAINMENT GROUP, INC. ("ACUMEN") and/or their agents, subsidiaries or those acting on their behalf, including, but not limited to, moving companies, from moving or removing from the Acumen business premises located at 6850 Paradise Road, Las Vegas, Nevada, or any other premises, any corporate assets, including, but not limited to, Xerox photocopying machines, any other photocopying machines, printers, equipment, furniture, computers, business records, computer servers, bank records, poster inventory, poster images or any other Acumen/Moviegoods corporate assets, until the hearing on McLauchlan's motion for preliminary injunction.

Good cause appears for the granting of such temporary restraining order based on the sworn declarations and record presented that Robert Deakin and Terry Kraemer have moved out of their Las Vegas homes and that Mr. Deakin, Mr. Kraemer and/or Acumen and/or their agents or those acting on their behalf plan this weekend (June 10-11, 2010) to secretly remove the operating assets of Acumen from its current Las Vegas location to North Carolina and out of the jurisdiction of this Court. The removal of those assets could leave this Court with little or no effective jurisdiction over those assets with regard to any judgment against them. It appears that Acumen has debts to its landlord in excess of \$55,000 and to Key Bank in excess of One Million Dollars and that Mr. Deakin may be in breach of his contract with Mr. McLauchlan, which claims are presently the subject of this litigation. Removal of those assets from this Court's jurisdiction could ~~render any recovery judgment proof~~. The criteria for the issuance of an emergency temporary restraining order have been met. It appears likely that Mr. McLauchlan

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1 ~~will prevail on his voting contract claim, that he and~~ Mr. McLAUCHLAN, (KGD)  
 2 immediate and irreparable harm if such a TRO is not issued before a hearing on a motion for  
 3 preliminary injunction can be heard, as the assets may be moved before then and as Acumen  
 4 may not be able to operate and Mr. McLauchlan and creditors may have no assets against which  
 5 to recover; that the balance of hardship favors McLauchlan in possibly not being able to recover  
 6 versus no prejudice to Mr. Deakin, Mr. Kraemer or Acumen in temporarily preventing  
 7 Mr. Deakin, Mr. Kraemer and Acumen from removing Acumen's assets from this Court's  
 8 jurisdiction for four (4) days when a hearing on a preliminary injunction can be held and that a  
 9 TRO will protect the public interest by maintaining the status quo and preserving Acumen's  
 10 assets in this jurisdiction in the event that Mr. McLauchlan and/or creditors obtain favorable  
 11 judgments.

12 Therefore, GOOD CAUSE appearing, IT IS HEREBY ORDERED that ROBERT  
 13 DEAKIN, TERRY KRAEMER, ACUMEN ENTERTAINMENT GROUP, INC.  
 14 ("ACUMEN") and/or their agents, subsidiaries or those acting on their behalf, including, but  
 15 not limited to, moving companies, are temporarily restrained from moving or removing from  
 16 the Acumen business premises located at 6850 Paradise Road, Las Vegas, Nevada, or any other  
 17 premises, any corporate assets, including, but not limited to, Xerox photocopying machines, any  
 18 other photocopying machines, printers, equipment, furniture, computers, business records,  
 19 computer servers, bank records, poster inventory, poster images or any other  
 20 Acumen/Moviegoods corporate assets, until the June 15, 2010 hearing on Mr. McLauchlan's  
 21 motion for preliminary injunction.

22 IT IS FURTHER ORDERED that the foregoing EX PARTE EMERGENCY MOTION  
 23 FOR TEMPORARY RESTRAINING ORDER TO ENJOIN ROBERT DEAKIN, TERRY  
 24 KRAEMER, ACUMEN ENTERTAINMENT GROUP, INC. ("ACUMEN") AND/OR THEIR  
 25 AGENTS FROM REMOVING ACUMEN CORPORATE ASSETS FROM THE ACUMEN  
 26 PREMISES shall also be deemed to be a motion on shortened time for a preliminary injunction  
 27 to continue said restraining order in place until Mr. McLauchlan's motion for preliminary  
 28

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1 injunction is heard, which motion for preliminary injunction shall be heard in Department XXV  
2 of the above-entitled Court, on the 15th day of June, 2010, at the hour of 9:00 a.m.

3 IT IS FURTHER ORDERED that Mr. McLauchlan shall post a cash bond in the amount  
4 of \$300 as security for the issuance of said temporary restraining order.

5 IT IS SO ORDERED.

6  
7 DATED this 11<sup>th</sup> day of June, 2010, AT 1:45 p.m.

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11 DISTRICT COURT JUDGE  
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